

**ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT**

**NOTICE OF SUSPENSION OF ATTORNEY'S
PRIVILEGE TO PRACTICE LAW**

**IN RE: ALICE WARD GREENE
 ARKANSAS BAR ID #95197
 CPC Docket No. 2008-023**

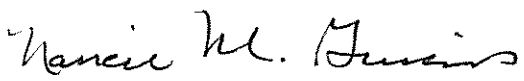
Attorney Alice Ward Greene, an attorney practicing law primarily in Little Rock, Arkansas, has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney Alice Ward Greene's License for a period of Thirty-Six (36) months effective May 12, 2009.

Please be advised that a suspended attorney shall not be reinstated to the practice of law in this State until the Arkansas Supreme Court has received an affirmative vote by a majority of the Committee. If, and at such time as the Committee may reinstate the attorney, you will be provided notice of the reinstatement and the effective date thereof.

If you have any questions in this regard or you have information evincing the attorney's continued practice contrary to the status of his license, please contact this office.

May 12, 2009


Nancie M. Givens, Deputy Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

FILED

IN RE: ALICE WARD GREENE, Respondent
Arkansas Bar ID#95197
CPC Docket No. 2008-023

MAY 12 2009

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Shayne Horton on March 24, 2008. The information related to the representation of Mr. Horton by Respondent beginning in 2006.

On June 17, 2008, Respondent was served with a formal complaint, supported by affidavits from Shayne Horton, Bonnie Cotton, Dana Rowlett, Assistant Director for CLE, and Denise Parks, Deputy Clerk for the Arkansas Supreme Court Clerk. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

The information before the Committee reflected that Alice Ward Greene, an attorney formerly practicing in North Little Rock, Arkansas, was hired to represent Shayne Horton in a custody proceeding in Saline County Circuit Court. Mr. Horton and his family hired Ms. Greene in October 2006. One month after being hired by Mr. Horton and his family, Ms. Greene's license to practice law in Arkansas was suspended for failure to comply with continuing legal education (CLE) requirements and has been suspended since that time. Ms. Greene failed to advise Mr. Horton or his family of this crucial fact. After being hired, Ms. Greene filed a Motion on Mr. Horton's behalf with regard to his minor child. Although she prepared the Motion and

notarized it, Ms. Greene had another attorney listed as attorney in the pleading. Ms. Greene appeared with Mr. Horton on January 8, 2007, at a hearing in Saline County Circuit Court. At the time she appeared in court with Mr. Horton as his lawyer, her license to practice law in Arkansas was suspended for CLE deficiency.

Ms. Greene appeared in court with Mr. Horton another time in May 2007 for a hearing with regard to the custody of his son. At that time Ms. Greene's license to practice law in Arkansas was suspended not only for CLE deficiency but also for failure to pay her annual license fee. Even though Ms. Greene's license to practice law was suspended, she appeared at the hearing and then prepared the Order. At no time did she advise Mr. Horton that she was prohibited from such activities since her license to practice law was suspended.

Ms. Greene continued to bill Mr. Horton for services performed while suspended. She accepted fees from him as well. After the hearing in May 2007, Ms. Greene failed to communicate with Mr. Horton. Ms. Greene repeatedly failed to return telephone messages seeking information on the status of the custody proceeding or the efforts, if any, she had undertaken on Mr. Horton's behalf in order to expedite the matter for the safety and benefit of his son.

During this same time frame, Ms. Greene was hired to represent Mr. Horton's sister, Bonnie Cotton, in a divorce proceeding. Ms. Cotton and her parents hired Ms. Greene to represent Ms. Cotton after she was served with a Complaint for Divorce in January 2007. During the initial consultation in late January 2007, Ms. Greene accepted a \$500 retainer for fees to be earned. At the time she accepted the retainer, Ms. Greene's license to practice law in Arkansas was suspended. Ms. Greene did not advise Ms. Cotton nor her parents of this fact. After being

hired, Ms. Greene failed to take action on Ms. Cotton's behalf. The matter was handled by her estranged husband's counsel. Ms. Greene ultimately credited the \$500 paid on behalf of Ms. Cotton to her brother's account.

Upon consideration of the formal complaint and attached exhibit materials, the failure to respond to the formal disciplinary complaint after proper service, other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Ms. Greene's conduct violated Rule 1.3 when she did not act with diligence in your representation of Ms. Cotton after she was hired to represent her in a divorce proceeding in that Ms. Greene took no action on her behalf. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Ms. Greene's conduct violated Rule 1.4(a)(3) when she did not keep Ms. Cotton informed of any efforts she took on Ms. Cotton's behalf with regard to the divorce proceeding in which Ms. Cotton hired Ms. Greene to represent her and when she did not keep Mr. Horton informed of any efforts she took on his behalf following the hearing of May 8, 2007. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of a matter.

3. Ms. Greene's conduct violated Rule 1.4(a)(4) because, despite messages left for her by Mr. Horton and others on his behalf, Ms. Greene failed to respond to the requests for information. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

4. Ms. Greene's conduct violated Rule 1.4(b) when she failed to explain to Mr. Horton at any time after November 2006 that she could not ethically represent him in his custody

proceeding because her license to practice law in Arkansas was suspended until such time as she satisfied her CLE deficiency. Without that information, Mr. Horton was denied the opportunity to make an informed decision concerning whether he wished to hire Ms. Greene and when she failed to explain to Mr. Horton, that her license to practice law in Arkansas had been suspended for failure to pay her annual license fee as of March 2, 2007, and that it would not be reinstated from that suspension until such time as she paid the fee and the penalty for the late payment. Rule 1.4(b) requires that a lawyer explain a matter to extent reasonably necessary to permit the client to make informed decisions regarding the representation.

5. Ms. Greene's conduct violated Rule 3.4(c) when she engaged in the practice of law on behalf of Mr. Horton at a time when her license to practice law in Arkansas was suspended, in violation of Section 22.B(2) of the Procedures which requires that a suspended attorney shall not engage in the practice of law; when she accepted fees from Ms. Cotton and agreed to represent her in violation of Section 22 of the Procedures at a time when her license to practice law in Arkansas was suspended; when she filed pleadings in circuit court on Mr. Horton's behalf during a time when her license to practice law was suspended, containing the title that you are attorney at law in violation of Section 22B.(4) which requires that a former attorney (including suspended attorneys) take such action as is necessary to cause the removal of any indicia of lawyer, counselor at law, attorney, legal assistant, law clerk, or similar title from any association with the name of the former attorney; and, when she appeared in court with Mr. Horton when her license to practice law in Arkansas was suspended, as such her appearance in court and contacts with Mr. Horton were in violation of Section 22.C.(1) of the Procedures which requires that a former attorney shall have no contact with clients or prospective

clients of any attorney or law firm in person, by telephone, in writing, e-mail, or by any other form of communication. Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

6. Ms. Greene's conduct violated Rule 8.4(c) when she allowed Mr. Horton to believe that she could represent him in his custody proceeding even though Ms. Greene was aware that she could not do so since her license to practice law was suspended. Ms. Greene's act of omission in not telling him of her license status is conduct involving dishonesty, deceit or misrepresentation. Her conduct also violated Rule 8.4(c) when, at no time during the course of her representation of Mr. Horton, did she advise opposing counsel or the presiding judge that her license to practice law in Arkansas was suspended. This act of omission in not advising them of this fact is conduct involving dishonesty, deceit or misrepresentation. Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

7. Ms. Greene's conduct violated Rule 8.4(d) because her failure to explain to Mr. Horton that her license was suspended and she was prohibited from taking action on his behalf has led to an unnecessary delay in the custody proceeding involving his minor child and the finalization of the matter. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that ALICE WARD GREENE, Arkansas Bar ID#95197, be, and hereby is, SUSPENDED FROM THE PRACTICE OF LAW FOR A PERIOD OF THIRTY - SIX MONTHS for her conduct in this matter. The suspension

shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Ms. Greene is assessed the costs of this proceeding in the amount of \$50. The Committee has assessed a fine in the amount of \$2500, pursuant to Section 18.B of the Procedures. Ms. Greene is also ordered to pay restitution for the benefit of Shayne Horton in the amount of \$1,150. The restitution is ordered pursuant to Section 18.C of the Procedures. A separate sanction is imposed for failing to respond pursuant to the authority granted the Committee in Section 9C of the Procedures. For failing to respond, Ms Greene is CAUTIONED and fined in the amount of \$500. The fine, restitution, and costs assessed herein, totaling \$4200, shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By: Valerie Z Kelly
Valerie Kelly, Chair, Panel B

Date: August 26, 2008